



Mayer Engelsberg  
<mengelsberg@nklawllp.com>

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**Fwd: Johnson v. BPD, Civil Action No.  
ELH-19-00698**

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Judson Arnold <jarnold@nklawllp.com>

Mon, Feb 15, 2021 at 2:26  
PM

To: Mayer Engelsberg <mengelsberg@nklawllp.com>

----- Forwarded message -----

From: **Shiff, Wendy** <wshiff@oag.state.md.us>

Date: Sat, Dec 26, 2020 at 11:46 AM

Subject: RE: Johnson v. BPD, Civil Action No. ELH-19-00698

To: Abigail A. Graber <AGraber@browngold.com>

Cc: Judson Arnold <jarnold@nklawllp.com>, Kobie Flowers

<KFlowers@browngold.com>, Neel Lalchandani

<NLalchandani@browngold.com>, Andrew D. Freeman

<adf@browngold.com>, Nira Pughsley <npughsley@browngold.com>,

Lynch, Kara (BPD) <Kara.Lynch@baltimorepolice.org>

Dear Abigail,

I hope your holiday season is festive and meaningful.

Thank you for your email.

I will not be able to address most of the issues in your email until the first or second week in January.

The ASA involved in the production of documents in this case is on leave until January 5.

I do understand that the scope of a subpoena can be different from the scope of an MPIA request.

Be advised that the State's Attorney intends to provide all non-privileged documents to all parties. Further, if appropriate agreements are reached, there may be a willingness to disclose some documents that are privileged, as we discussed last month.

We have not changed our position about allowing you to view original files at the State's Attorney's Office. During this pandemic, the State's Attorney has allowed her prosecutors limited access to the office. This policy is similar to the one issued by the Attorney General. Current policies would not allow you access to either office. This decision is not intended to impair your access to the files. Rather, it treats the health and safety of employees as paramount to other considerations.

I am happy to discuss any of the contents of this email with you. I will be working most of the week of December 28<sup>th</sup>.

Be safe and well,

Wendy

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**From:** Abigail A. Graber <AGraber@browngold.com>  
**Sent:** Wednesday, December 23, 2020 5:10 PM  
**To:** Shiff, Wendy <wshiff@oag.state.md.us>  
**Cc:** Judson Arnold <jarnold@nklawllp.com>; Kobie Flowers <KFlowers@browngold.com>; Neel Lalchandani <NLalchandani@browngold.com>; Andrew D. Freeman <adf@browngold.com>; Nira Pughsley <npughsley@browngold.com>; Lynch, Kara (BPD) <Kara.Lynch@baltimorepolice.org>  
**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

Dear Wendy,

Counsel for Plaintiffs and the Individual Defendants write jointly to follow up on the first production we received from the SAO (we understand you

are working on producing more documents). I have put everything we've already gotten from the SAO in a dropbox for ease of viewing:  
<https://www.dropbox.com/sh/ycjuw23m4qyv9sf/AACbBiduJNgUtGEM5IEqJWMia?dl=0>. SAO's response to Plaintiffs' subpoena thusfar, received in August, is "NK DEF 004035-004857 SAO File (Responsive to Pl.'s Subpoena rec'd 8.17)." As you can see, this file contains two identical files, which correspond to the file we received earlier via MPIA request that we were told was the Post-Conviction File. I think there may have been a mistake, and instead of producing the same file twice, the SAO intended to produce two different files. We would also just like to re-emphasize that the scope of a subpoena is different than the scope of an MPIA request and ask that the SAO office make sure that other responsive documents, if they exist, are produced beyond those received through the MPIA.

Defendants, additionally, would like clarification that the file they received from the SAO in August was intended by the SAO to be an exact duplicate of what Plaintiff received pursuant to Plaintiff's subpoena. SAO does not appear to have responded to Defendants' subpoena.

I've also include in the DropBox the SAO file (not the post-conviction file) we received in response to Plaintiff's MPIA request (JOHNSON\_000540-814—we assume this file will also be produced in response to the subpoena), the SAO files BPD produced (BPD Johnson 1529-1978), and the SAO files the individual officer defendants produced (NK DEF 003557-004034 SAO File (from BPD)). As you can see, these files are different from each other. We understand your position is not to allow in-person inspections, but under the circumstances, we request to do so. It is important to this case to determine what documents are in the SAO file, the order in which that they appear, and how they are attached to each other. Given the disparate and confusing productions, an in-person inspection is the logical next step. We are happy to work with you to develop a protocol that will keep everyone safe and to minimize any strain on your office.

Regards,

**Abigail A. Graber**

Attorney

---

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Pronouns: She/her/hers

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**From:** Shiff, Wendy <[wshiff@oag.state.md.us](mailto:wshiff@oag.state.md.us)>

**Sent:** Wednesday, December 9, 2020 2:11 PM

**To:** Abigail A. Graber <[AGraber@browngold.com](mailto:AGraber@browngold.com)>; Kobie Flowers <[KFlowers@browngold.com](mailto:KFlowers@browngold.com)>

**Cc:** Judson Arnold <[jarnold@nkllawllp.com](mailto:jarnold@nkllawllp.com)>

**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

**SECURITY ALERT:** This email is from an external source.

Thanks, Abigail.

Wendy L. Shiff

Assistant Attorney General

Civil Litigation Division

Office of Attorney General

200 St. Paul Place, 20th Floor

Baltimore, Maryland 21202

(410) 576-6996

(410) 576-6955 (fax)

(443) 610-0228 (mobile)

[wshiff@oag.state.md.us](mailto:wshiff@oag.state.md.us)

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**From:** Abigail A. Graber <AGraber@browngold.com>

**Sent:** Tuesday, December 8, 2020 10:53 AM

**To:** Shiff, Wendy <wshiff@oag.state.md.us>; Kobie Flowers  
<KFlowers@browngold.com>

**Cc:** Judson Arnold <jarnold@nklawllp.com>

**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

Apologies for the delay. Here is the list:

Witnesses

Thomas Carroll

Reginald Dorsey

Alvin Hill

Lakisha Snead

Kenneth Allen

Tanya Lazenby

Deborah McFadden

Alvin Morgan

Paul Burton

Kenneth Jones

Al Phillips

Aaron Steve Owens

Shawn Morgan

Kevin Davis

Frank Barlow

Daniel Boone

Gerald Goldstein

Robert Mays (or Mayes)

Officer McDonald

Lt. Nesbit

Det. Charles Gilbert

Marvin Reid

Jung Kim

Orin (or Orni or Ornie) Carroll

Juandre Mims

Van Anthony Meadows

George Johnson

**Abigail A. Graber**

Attorney

---

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Pronouns: She/her/hers

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**From:** Shiff, Wendy <[wshiff@oag.state.md.us](mailto:wshiff@oag.state.md.us)>

**Sent:** Tuesday, December 8, 2020 9:28 AM

**To:** Kobie Flowers <[KFlowers@browngold.com](mailto:KFlowers@browngold.com)>; Abigail A. Graber <[AGraber@browngold.com](mailto:AGraber@browngold.com)>

**Cc:** Judson Arnold <[jarnold@nklawllp.com](mailto:jarnold@nklawllp.com)>

**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

**SECURITY ALERT:** This email is from an external source.

Greetings all,

I have not received the list of witnesses about whom you are aware.

I don't want to start the redaction or privilege review until you provide it.

I had hoped to receive it from you last week.

Thanks,

Wendy



**From:** Kobie Flowers <KFlowers@browngold.com>

**Sent:** Wednesday, November 18, 2020 5:14 PM

**To:** Shiff, Wendy <wshiff@oag.state.md.us>; Anisha Queen  
<aqueen@browngold.com>

**Cc:** Neel Lalchandani <NLalchandani@browngold.com>; Abigail A.  
Graber <AGraber@browngold.com>

**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

All good. The call-in information should be on your calendar invite.

Be well,

**Kobie Flowers**

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## **BROWN GOLDSTEIN LEVY**

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Cell: 202.875.0481

Fax: 202.742.5948

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Pronouns: he/him/his

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**From:** Shift, Wendy <[wshift@oag.state.md.us](mailto:wshift@oag.state.md.us)>  
**Sent:** Wednesday, November 18, 2020 4:13 PM  
**To:** Kobie Flowers <[KFlowers@browngold.com](mailto:KFlowers@browngold.com)>; Anisha Queen <[aqueen@browngold.com](mailto:aqueen@browngold.com)>  
**Cc:** Neel Lalchandani <[NLalchandani@browngold.com](mailto:NLalchandani@browngold.com)>; Abigail A. Graber <[AGraber@browngold.com](mailto:AGraber@browngold.com)>  
**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

**SECURITY ALERT:** This email is from an external source.

That's fine.

Send me a call-in number so I can join the call.

---

**From:** Kobie Flowers <[KFlowers@browngold.com](mailto:KFlowers@browngold.com)>  
**Sent:** Wednesday, November 18, 2020 4:11 PM  
**To:** Shift, Wendy <[wshift@oag.state.md.us](mailto:wshift@oag.state.md.us)>; Anisha Queen <[aqueen@browngold.com](mailto:aqueen@browngold.com)>  
**Cc:** Neel Lalchandani <[NLalchandani@browngold.com](mailto:NLalchandani@browngold.com)>; Abigail A. Graber <[AGraber@browngold.com](mailto:AGraber@browngold.com)>  
**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

Let's do 9:00 a.m. on Nov. 25, if you don't mind. That way, we should not inconvenience opposing counsel who might be calling in from Chicago.

**Kobie Flowers**

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**From:** Shiff, Wendy <wshiff@oag.state.md.us>  
**Sent:** Wednesday, November 18, 2020 4:07 PM  
**To:** Kobie Flowers <KFlowers@browngold.com>; Anisha Queen <aqueen@browngold.com>  
**Cc:** Neel Lalchandani <NLalchandani@browngold.com>; Abigail A. Graber <AGraber@browngold.com>  
**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

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Kobie,

Any time before 1:30 p.m. is fine.

I am happy to join a call as early as 6:30 a.m.

Just let me know.

Be well,

Wendy

---

**From:** Kobie Flowers <KFlowers@browngold.com>  
**Sent:** Wednesday, November 18, 2020 3:56 PM  
**To:** Anisha Queen <aqueen@browngold.com>; Shiff, Wendy <wshiff@oag.state.md.us>  
**Cc:** Neel Lalchandani <NLalchandani@browngold.com>; Abigail A. Graber <AGraber@browngold.com>  
**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

Thanks Anisha.

Wendy please let us know what works best for you Wednesday.

Very kindly,

**Kobie Flowers**

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**BROWN GOLDSTEIN LEVY**

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**From:** Anisha Queen <aqueen@browngold.com>

**Sent:** Wednesday, November 18, 2020 3:54 PM

**To:** Shiff, Wendy <wshiff@oag.state.md.us>

**Cc:** Kobie Flowers <KFlowers@browngold.com>; Neel Lalchandani <NLalchandani@browngold.com>; Abigail A. Graber <AGraber@browngold.com>

**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

Wendy:

As promised, attached is the subpoena. I've copied my colleagues Kobie, Neel, and Abby so that you all can figure out the best time to meet next week. It looks like Wednesday works best on our end. Also, as a heads up, counsel from Nathan & Kamionski may want to join the call as well so that everyone is on the same page. Just wanted to make sure I made you aware of that.

Talk soon,

**Anisha Queen**

Attorney

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**From:** Shift, Wendy <[wshift@oag.state.md.us](mailto:wshift@oag.state.md.us)>

**Sent:** Wednesday, November 18, 2020 1:39 PM

**To:** Anisha Queen <[aqueen@browngold.com](mailto:aqueen@browngold.com)>

**Subject:** RE: Johnson v. BPD, Civil Action No. ELH-19-00698

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Hi Anisha,

I hope you are well, too.

Is this Jerome Johnson?

I am not aware of a subpoena from your office, just one from Nathan & Kamionski.

Case 1:19-cv-00698-ELH Document 86-8 Filed 03/09/21 Page 16 of 17

You are welcome to call me today before 3 or tomorrow after 5:00.  
443-253-8288.

Wendy

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**From:** Anisha Queen <[aqueen@browngold.com](mailto:aqueen@browngold.com)>

**Sent:** Wednesday, November 18, 2020 12:44 PM

**To:** Shiff, Wendy <[wshiff@oag.state.md.us](mailto:wshiff@oag.state.md.us)>

**Subject:** Johnson v. BPD, Civil Action No. ELH-19-00698

Wendy –

I hope you are doing well. Do you have time today or tomorrow to discuss the subpoena served in the above-captioned case? It's my understanding that you are representing the State's Attorney with respect to this subpoena as well. I'm free to talk whenever you are.

Thanks!

**Anisha Queen**

Attorney

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**BROWN GOLDSTEIN LEVY**

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Email: [aqueen@browngold.com](mailto:aqueen@browngold.com)

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